

## **SUMMARY**

### **Town of Rhinebeck Local Waterfront Revitalization Program**

The Town of Rhinebeck Local Waterfront Revitalization Program (LWRP) has been prepared pursuant to provisions of the New York State Waterfront Revitalization of Coastal Areas and Inland Waterways Act and the New York State Coastal Management Program (NYS CMP).

The Rhinebeck LWRP is a comprehensive management program for the Town's Hudson River waterfront resources that is based on the policies of the NYS CMP. Upon approval by the Secretary of State, it is to be incorporated into the NYS CMP. The Rhinebeck LWRP would change the NYS CMP by making several policies more specific as they apply within the Town and by specifying the location and types of uses to be accommodated within the waterfront area.

**The following is a summary of how the Town of Rhinebeck LWRP would further specify the policies of the NYS CMP.**

#### **Policy 1 (Revitalization of Deteriorated and Underutilized Waterfront Areas)**

This policy identifies continuing improvements to the Town Landing Dock facilities on the Hudson River in the Hamlet of Rhinecliff so that it will serve as a riverfront park, providing boating, fishing and passive recreational uses. Other coastal access points, such as Slate Dock and Long Dock which have only at-grade crossing of the railroad tracks, needs to be further studied for reuse opportunities. Use of portions of the abandoned railroad right-of-way as a trail system for hiking and biking needs to be further examined. Preservation, and in some cases, redevelopment of the large estates and various waterfront parcels and docks along the Hudson River which are showing signs of deterioration is desirable.

#### **Policy 2 (Facilitate Siting of Water-Dependent Uses)**

The primary water-dependent use is the Town Landing on the Hudson River in the Hamlet of Rhinecliff. In reviewing plans for waterfront sites, the Town will negotiate for public access to the water. Several sites that could be developed for water-related recreation purposes and/or public access include: Town Landing in Rhinecliff, Wilderstein Landing/Morton Dock, Slate Dock, and Long Dock. Marinas, boat clubs, docks and boat ramps are, and will continue to be allowed, as special permit uses in several zoning districts.

#### **Policy 5 (Concentration of Development)**

Proposed land uses and current zoning correspond to a desire to protect the natural features and historic and scenic assets, as well as to the availability of utilities. A majority of the waterfront is zoned for low density uses where utility service does not exist and is unlikely to exist. In the Hamlet of Rhinecliff, and within the corridor between the Hamlet and the Village of Rhinebeck, medium density is permitted reflecting the availability of water service. The feasibility of extending the Village of Rhinebeck sewage system to Hamlet of Rhinecliff, or providing an alternative means for sewage collection and treatment to meet the needs of the hamlet is being explored.

**Policy 7 (Protection of Coastal Fish and Wildlife Habitats)**

This policy is applicable to the protection, preservation, and if necessary and practical, restoration of the following Significant Coastal Fish and Wildlife Habitats: Vanderburgh Cove and Shallows, The Flats, and Kingston Deepwater. The policy also calls for protecting Ferncliff Forest, Snyder Swamp, the Mudder Kill, and the creeks, freshwater tidal wetlands, and freshwater tidal cove areas draining into and adjacent to the Hudson River.

**Policy 8 (Protect Fish and Wildlife Resources from Hazardous Wastes)**

Local land use controls will be used to avoid siting of uses that could introduce hazardous wastes in the environment. Any development proposed in the waterfront area must incorporate proper disposal plans to avoid ground and/or surface water pollution that could accumulate in the foodchain.

**Policy 9 (Recreational Use of Fish and Wildlife Resources)**

The policy states that Town recommendations to the NYS Department of Environmental Conservation to upgrade classification of streams should result in maintaining or improving water quality, and thus in maintaining or increasing the supply of fish for recreational uses.

**Policy 10 (Further Develop Commercial Fisheries)**

The policy specifies that improvements to the Town dock may provide opportunities to increase commercial fishing in the Town. Commercial fishing is limited by the fact that shad is the only species that is commercially caught and legally sold (PCB concentrations limit sales of other species such as striped bass) and there are limited dock facilities. As any new marina facilities are proposed, facilities for docking and servicing commercial fishing vessels will be encouraged.

**Policy 11 (Siting of Structures to Minimize Damage from Flooding and Erosion)**

The policy is applicable to the flood hazard areas identified within the Town. It establishes minimum setbacks from all riverbanks and streambanks for buildings or other structures. All new construction or substantial improvement of residential and non-residential development within flood hazard areas must have the lowest floor elevated to the level of the base flood elevation and/or have floodproofing of non-residential structures. Streambank erosion from tidal action or navigation on the Hudson River is considered a moderate problem. The sloping to steep banks along the river are subject to slumping and need to be protected, especially near Suckley Cover, north of Jones Island, which is considered an area of critical erosion. Vegetation needs to be maintained along the sloping banks.

**Policy 12 (Coastal Activities Causing Erosion and Flooding)**

This policy describes the Town's bluff areas. As further development is proposed, preservation of these natural features to avoid flooding and erosion needs to be considered by the Town during review. Measures to protect these natural features are specified.

**Policy 13 (Erosion Protection for Thirty Years)**

This policy specifies guidelines for construction or alteration of erosion protection structures.

**Policy 14 (No Measurable Onsite or Offsite Increase in Erosion or Flooding)**

This policy calls for developments along the river bank to be sited to avoid construction on clay soils and soils subject to erosion. The policy also specifies practices to be utilized for construction in the waterfront area.

**Policy 15 (Mining, Excavation and Dredging Shall Not Cause Beach Erosion)**

At present there are no mining, excavating, or dredging activities in Rhinebeck's waters nor are there sites in the Town suitable for the deposit of dredge spoils. Commercial excavation and/or soil mining is not authorized under the Town's zoning law within two of the zoning districts which comprise the majority of the waterfront area. Any such activity will be accomplished in a manner that will not increase erosion or negatively affect significant habitat areas.

**Policy 17 ( Use Non-Structural Measures to Minimize Damage from Flooding and Erosion)**

The sloping to steep earthen banks along the Hudson River are subject to landslides and erosion. These areas, particularly the area near Suckley Cove north of Jones Island, which is classified as an area of critical erosion, will be protected through site plan and/or subdivision review.

**Policy 19 (Provision of Access to Public Water-Related Recreation Resources)**

This policy points out the importance of increased pedestrian and, where appropriate, vehicular public access to the waterfront for water-related recreation. The major Hudson River access problem in Rhinebeck involves crossing of the railroad tracks. Increased access to the publicly-owned foreshore will be sought through site plan review and subdivision plans for waterfront parcels and through negotiation with developers of proposed projects.

**Policy 20 (Provision of Access to Publicly Owned Lands at the Water's Edge)**

While publicly-owned lands shall remain in public ownership, sales of easements on underwater lands to adjacent upland property owners could be consistent with this policy, provided such easements do not substantially interfere with continued public use of the publicly-owned lands on which the easement is granted. Public use of such public-owned underwater lands and lands immediately adjacent to the shore will be discouraged where such use would be inappropriate.

**Policy 21 (Provision of Water-Related Recreation)**

This policy cites the sensitive environmental conditions along portions of the Hudson River as reasons why new development or activities should generally not be intensive. The Town

Landing/ Rhinebeck Dock and Wilderstein Landing/Morton's Dock, Slate Dock, and Long Dock areas are noted for waterfront recreation possibilities.

**Policy 22 (Provision of Water-Related Recreation within Development Adjacent to the Shore)**

Construction of a safe means to cross the railroad tracks must be an integral part of plans for River water-related recreation. Development which could increase public use of the shore will be encouraged. Such developments might include the reuse or redevelopment of the large waterfront estates along the Hudson, the dock areas, other access points listed in the LWRP, or properties along the streams. Provision of water-related recreation will be encouraged or required as a multiple use through the Town's review of development plans. If practical, such recreation shall be available for public use.

**Policy 23 (Protection of Historic Resources)**

This policy is applicable to the historic resources listed on the State or National Register of Historic Places, and a number of other individual residences, sites and features of local importance.

**Policy 24 (Prevent Impairment of Scenic Resources of Statewide Significance)**

This policy is applicable to the Mid-Hudson Historic Shorelands Scenic District; scenic roads, the Estates District Scenic Area of Statewide Significance and the Esopus/Lloyd Scenic Area of Statewide Significance.

**Policy 28 (Ice Management Shall Not Interfere With Power Production or Habitats Nor Increase Flooding or Erosion)**

Consideration will be given to leaving some or most ice in an undisturbed state to allow for enjoyment of winter sports.

**Policy 30 (Pollutant Discharges to Coastal Waters Shall Conform to Standards)**

The Town utilizes the Hudson River water for drinking water and recreational purposes. Priority will be given to water and sewer projects which will eliminate or prevent the discharge of pollutants into the Hudson River, its tributaries and other water resources. Regarding the railroad's vegetation management and railroad tie disposal practices, use of pesticides and herbicides must be reduced and, if possible eliminated, and used ties must be removed from the roadbed area.

**Policy 31 (Approved LWRP Considered in Water Quality Classification Review)**

The policy notes the Town's request for the NYS Department of Environmental Conservation consideration of upgrades in stream water quality classification for several streams.

**Policy 32 (Encourage Alternative/Innovative Sanitary Waste Systems)**

The policy applies to most of the unincorporated portions of the Town (i.e. areas outside the Hamlet of Rhinecliff and corridor between Rhinecliff and the Village of Rhinebeck). Plans for the use of such systems will be encouraged and reviewed for effectiveness.

**Policy 33 (Control Stormwater Runoff and CSO Draining into Coastal Waters)**

The policy calls for exploring the feasibility of extending the Village sewer system to the hamlet. Installation of new combination sanitary/stormwater sewer systems will not be permitted. All newly installed facilities must be separate. Construction of on-site retention basins or facilities will be encouraged for new developments.

**Policy 36 (Meet Requirements for Hazardous Material Shipment and Storage)**

Local regulations provide for protection of sensitive stream corridors and aquifer protection areas.

**Policy 38 (Protect Water Quality, Particularly for Sole Source of Water Supply)**

The policy states that the River should be protected as a water supply to meet unknown future demands. Large scale Hudson River water withdrawal projects could adversely effect water supply by resulting in northward movement of the salt front. The policy also calls for stream corridor protection.

**Policy 44 (Coastal Wetlands)**

This policy is applicable to the numerous freshwater wetland areas in the Town identified and mapped by NYS Department of Environmental Conservation. The policy establishes guidelines for the protection of these wetlands.

Of the remaining policies, the following are essentially the same as found in NYS CMP:

- 6 (Permit Simplification)
- 9 (Hazardous Wastes and other Pollutants Affecting Fish and Wildlife Resources)
- 16 (Public Funding of Erosion Protection Structures)
- 18 (Safeguarding Vital Interests of the State)
- 25 (Protect Overall scenic Quality)
- 26 (Protect Agricultural Lands)
- 27 (Siting of Major Energy Facilities)
- 34 (Limit Discharge of Vessel Wastes)
- 35 (Meet Requirements for Dredging and Dredge Spoil Disposal)
- 37 (Minimize non-point discharge of water pollutants)
- 39 (Solid, Particularly Hazardous Wastes)
- 40 (Effluent Discharge by Major Energy and Industrial Facilities)
- 41 (Land use or development will not violate air quality standards)
- 42 (Coastal Policies Considered in Air Quality Classification Review)
- 43 (Land Use or Development will not Generate Acid Rain Precursors)

The following policies of the NYS CMP do not apply in the Town of Rhinebeck;

- 3 (Major Ports)
- 4 (Small Harbor Areas)
- 29 (Energy Facilities on Continental Shelf and in Lake Erie)
- 30 (Discharge of Pollutants into Coastal Waters)

## **Proposed Land Uses**

Based on the policies of the LWRP, the Town has identified proposed land and water uses for the coastal area. Federal and State actions are to be consistent with the proposed land uses, as well as the policies of the LWRP. The proposed land use section identifies types of development permitted and their location; the policies generally state the manner in which development is to be undertaken. In the determination of the consistency, the policies and proposed land uses of the LWRP are intended to fully substitute for the policy section of the NYS CMP.

## **II. The U.S. Coastal Zone Management Act requires that in order for a local coastal program to be incorporated into a state coastal management program as a routine program implementation, there is to be no substantial changes to enforceable policies or authorities related to:**

### **A. Uses Subject to the Management Program.**

The scope of uses subject to the policies of the NYS CMP has not changed. The Town of Rhinebeck's LWRP identifies areas where certain uses subject to the NYS CMP are promoted and other uses are not permitted.

### **B. Special Management Areas.**

Criteria or procedures for designating areas of particular concern as described in the NYS CMP are not changed. The NYS CMP identifies an area subject to an approved LWRP as an area of particular concern. The Town of Rhinebeck LWRP has been developed pursuant to the criteria and procedures in the NYS CMP and follows guidelines for LWRPs found in Appendix B of the NYS CMP. There are no areas for preservation or restoration, as defined by the NYS CMP, in Rhinebeck.

### **C. Boundaries.**

There is no substantial boundary change as a result of the Town of Rhinebeck LWRP. The program does propose minor boundary changes, as follows:

Extend the landward CMP boundary 500 feet east of the centerline of Lemon Lane, Hook Road, Old Post Road, and Route 9 within the Town of Rhinebeck.

The Town recognizes the significance of the scenic and historic resources, such as stone walls and historic properties, along the State route and other roads that define the eastern coastal area boundary. These resources are located within the Town's portion of the Hudson River national Historic Landmarks District, the Mid-Hudson Historic Shorelands Scenic District, and the Estates District Scenic Area of Statewide Significance (SASS). However, the Mid-Hudson Historic Shorelands Scenic District established an eastern boundary line "500 feet east of the centerline" of the scenic roads, while the current Coastal Management Program boundary "follows" along the road. In order to include historic and scenic resources along the eastern boundary roads, the Town decided to take the opportunity presented by preparing the LWRP to adjust the coastal area boundary to include elements of the Mid-Hudson Historic Shorelands Scenic District boundary. This requires a boundary change to add in "500 feet east of the centerline" for each roadway on the eastern coastal area boundary line.

#### **D. Authorities and Organization**

There are no changes to the state's authority and organization for management of the Coastal Management Program as a result of incorporating the Town of Rhinebeck LWRP. There are no changes to organization or structure to implement the management program, administration of its grant; general techniques for control of land and water uses; or mechanisms to ensure State agencies' adherence to the State's Coastal Non-point Pollution Program..

#### **E. Coordination, Public Involvement, and National Interest**

There are no changes to the following provisions of the state's Coastal Management Program as a result of incorporating the Town of Rhinebeck's LWRP:

- The mechanism for consultation with local governments, interstate agencies, regional agencies, and area-wide agencies within the coastal zone;
- Consideration of the national interest involved in planning and managing the coastal zone, including the siting of facilities such as energy facilities which are of greater than local significance;
- The procedures for public participation in permitting processes, consistency determinations, and other similar actions; and
- The federal consistency procedures. Upon Federal concurrence with the State's approval of the Town's LWRP, the Town's LWRP provides standards for Federal consistency decision-making.